

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

UNITED STATES OF AMERICA

v.

ROBERT PURBECK
A.K.A. "LIFELOCK"
A.K.A. "STUDMASTER"
A.K.A. "STUDMASTER1"

Criminal Action No.

3:21-cr-004-TCB-RGV

**GOVERNMENT'S SUR-REPLY AS TO DEFENDANT'S MOTION TO
SUPPRESS 2023 SEARCHES OF IPHONES**

The United States of America, by Ryan K. Buchanan, United States Attorney, Michael Herskowitz, Nathan P. Kitchens, and Alex R. Sistla, Assistant United States Attorneys for the Northern District of Georgia, and Brian Z. Mund, Trial Attorney of the Department of Justice's Computer Crime and Intellectual Property Section, files this Sur-Reply to correct the record in connection with the Government's response in opposition to Defendant Robert Purbeck's ("Purbeck") Motion to Suppress 2023 Searches of iPhones (Docs. 99, 101):

In its September 7, 2023, response to Purbeck's Motion to Suppress 2023 Searches of iPhones, the Government represented that "the fact that Purbeck provided passwords to certain email accounts is immaterial to the Government's inability to access Purbeck's iPhones — to which he did not provide the passcodes." (Doc. 101 at 12). After promptly reviewing Purbeck's reply brief, which was filed on October 6, 2023, and attached FBI agent notes, it appears that Purbeck may have provided the FBI with a passcode for the two iPhones at issue

during his August 2019 interview. The Government therefore wishes to correct the record in this respect and withdraw its prior representation that Purbeck had not provided the passcode for these two iPhones, and the Government agrees not to use evidence from the iPhones 7 and 8 in its case in chief at trial. As such, the Government respectfully submits that the Court should deny Purbeck's motion to suppress (Doc. 99) as moot.

Notwithstanding this factual correction as to the two iPhones, the Government maintains that Purbeck's *Vedrine* argument is meritless, and therefore the Court should deny his motion for leave to file a supplemental motion to suppress searches of computers, phones, hard-drives, and storage devices. (Docs. 97, 102).

Respectfully submitted,

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